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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,882	07/02/2003	Anthony C. Sweeney	ENW 324	6301

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KOLISCH HARTWELL, P.C.
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PORTLAND, OR 97204

EXAMINER

GLENN, KIMBERLY E

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/613,882	Applicant(s) SWEENEY ET AL.	
	Examiner Kimberly E Glenn	Art Unit 2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-13 is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Spence US patent 4,182,996.

Spence disclose in figure 3 a RF power splitter comprising a housing (16) having a first an second ends, a first conductor (14) extending between the first and second ends; N second conductors (12 and 30) extending between the first and second ends, and conductors (22 and 34) which provide electrical connection between the first conductor (14) and the each of the second conductors (12 and 30). Spence further discloses that the housing 16 is comprised of an electrically conductive tube. (Figures 3 and 6, column 7, line 49 through column 12, line 64 and claim 3)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spence US patent 4,182,996 in view of Vaddiparty US Patent 4,647,879.

See the above 35 USC 102 rejection of claim 1 for details regarding Spence reference.

Spence is shown to teach all the limitations of the claim with the exception of the a plate mounted on the second end the body, and a plurality of resistive paths mounted on the plate, the resistive paths interconnecting the pairs of the second ends of the second transmission lines.

Vaddiparty discloses in figure 1, divider 12 having a board 30 mounted on one end. Isolation resistors 33 are disposed on the board 30. The isolation resistors connect one end of one radial output to one end of another radial output. (See figures 1-3 and column 2, line 33 through column 3, line 34)

One of ordinary skill in the art, at the time of the invention would have found to obvious to provide the divider of Spence with the board and resistors as taught by Vaddiparty. The motivation for this modification would have been to maintain the phase at each output. (Column 3, lines 12-19)

Allowable Subject Matter

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: With regards to claim 2, the prior art of record does not disclose or fairly teach the length of the first transmission line being equal to the combined length the second

transmission line and the associated conductor. With regards to claim 3, the prior art of record does not disclose the first transmission line being longer than each of the N second transmission lines. With regards to claim 4, the prior art of record does not disclose or fairly teach the first end of the first transmission line being coplanar with a first end of each of the second transmission lines, and a second end of the first transmission line extends beyond a second end of each of the second transmissions lines. With regards to claims 7-13, the prior art of records does not disclose or fairly teach the first signal path and each of the second signal paths being orthogonal to the plane of the conductive pattern.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thoren et al US Patent 4,147,994, Covington, Jr. US Patent 4,035,746, Bert et al US Patent 4,617,528, Longshore et al US Patent 4,667,172, La Rosa US Patent 3,904,990, Cronauer US Patent 4,595,891, Quine US Patent 4,328,471, Brown et al US Patent 2,428,831, Rauscher US Patent 5,339,057 and Isoda et al JP405175712A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly E Glenn whose telephone number is (571)-272-1761. The examiner can normally be reached on Monday-Friday 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571)-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817

Kimberly E Glenn
Examiner
Art Unit 2817

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